

FILED

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BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

NEBRASKA DEPARTMENT
OF INSURANCE

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

KEVIN A. ALLNER,

RESPONDENT.

)
) FINDINGS OF FACT, CONCLUSIONS
) OF LAW, RECOMMENDED ORDER
) AND ORDER

) CAUSE NO. A-1746
)
)
)
)

This matter came on for hearing on the 6th day of November, 2007, before Martin W. Swanson, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Joel F. Green. Kevin A. Allner ("Respondent") was not present and was not represented by an attorney. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence was received, testimony was adduced and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

A.

Background

1. Respondent is a licensed insurance producer in the State of Nebraska. His registered business with the Department of Insurance is Woodman of the World, 1047 N. 204h Avenue, Elkhorn, Nebraska 68022. His registered home address with the Nebraska Department of

Insurance is 12907 Chandler Street, Omaha, Nebraska 68138. Respondent has been a licensed insurance producer since 1991. **E1.**

2. On or about June 19, 2007, a complaint was filed with the Nebraska Department of Insurance essentially alleging that she could not get assistance on a Medicare Supplement issue from her insurance producer, namely Respondent. **E2.**

B.

Failure to Respond and Failure to Report Change of Address

3. On July 19, 2007, Cynthia Williamson, (Williamson) an Insurance Investigator with the Nebraska Department of Insurance wrote to Respondent inquiring about the allegations raised in the complaint. Respondent failed to respond to this inquiry within fifteen working days. The letter, which was sent to Respondent's business address, was sent back to the Nebraska Department of Insurance. The notation on the envelope was "Not at this address, return to sender." **E3.**

4. On August 7, 2007, Williamson sent another letter to Respondent's home address. Respondent failed to respond once again. **Id.**

5. On September 13, 2007, Tracy Gruhn (Gruhn), an administrative secretary with the Nebraska Department of Insurance, sent a notice of the Petition to the Respondent's home address. On October 3, 2007, the certified letter was returned to the Nebraska Department of Insurance by the United States Postal Service and was marked as "Return to Sender-Unclaimed-Unable to Forward." **E2.**

6. On October 17, 2007, Gruhn sent a copy of an Order Continuing the Hearing to Respondent's home address via certified mail. On October 29, 2007, the certified

letter was returned to the Nebraska Department of Insurance and marked as "Return to Sender-Not Deliverable as Addressed-Unable to Forward." **Id.**

CONCLUSIONS OF LAW

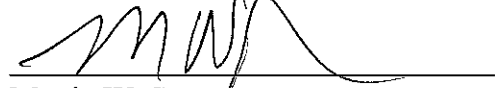
1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to *Neb. Rev. Stat.* §44-101.01 and §44-4001 et seq.
2. The Department has personal jurisdiction over Respondent.
3. Respondent twice violated *Neb. Rev. Stat.* §44-1525(11) by not responding to the inquiries sent out by Williamson on July 19, 2007 and August 7, 2007. **E3.**
4. Respondent violated *Neb. Rev. Stat.* §44-4054(8) by failing to register any new address with the Department of Insurance. The totality of the evidence clearly indicates that Respondent is no longer at the address he provided the Department of Insurance and, based upon the affidavit of Jason McCartney, licensing administrator with the Nebraska Department of Insurance, Respondent has failed to provide any other address to the Department of Insurance. **E1.**

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Insurance Producer's License be suspended immediately upon the Acting Director of Insurance or her designee signing the Certificate of Adoption. Said suspension shall continue until Respondent answers the inquiries made by the Department of Insurance and properly notifies the Department of Insurance of his new business and home address. The Nebraska Department of Insurance will continue to retain jurisdiction over this matter.

Dated this 15th day of November, 2007.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



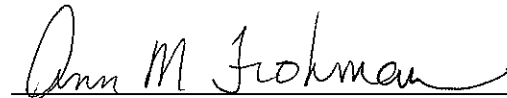
Martin W. Swanson
Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska, Department of Insurance vs. Kevin A. Allner, Cause No. A-1746.

Dated this 15th day of November, 2007.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



ANN M. FROHMAN
Acting Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent at 12907 Chandler Street, Omaha, Nebraska 68138, by certified mail, return receipt requested, on this 16th day of November, 2007.

